

LIMITED SOURCES JUSTIFICATION

**ORDER >SAT
FAR PART 8.405-6**

Acquisition Plan Action ID: 36C770-19-AP-0003/36C77019Q0004

1. Contracting Activity:

Department of Veterans Affairs

3450 S. 4th Street Trafficway

Leavenworth KS 66048

VISN:

NCO 15 CMOP Acquisitions

- 2. Description of Action:** This acquisition is conducted under the authority of the Multiple-Award Schedule Program ([41 U.S.C. 251](#) and [40 U.S.C. 501](#)). The Department of Veterans Affairs is seeking to issue a bridge task order to DLH Solutions, under their existing Federal Supply Schedule (FSS) Contract Number **V797P-2219D**, for a base of six months with two three-month option periods from November 1, 2018 to October 31, 2019 for the Lancaster, TX Consolidated Mail Outpatient Pharmacy. This performance period will sustain vital pharmacist and pharmacy technician services and allow a transition period until the new, succeeding procurement is fully competed and awarded. The long-term contract has been posted to FBO and received two protests with GAO. A stay of award has been granted. Services must continue while the protests are being resolved.

Order against: FSS Contract Number: V797P-2219D

Name of Proposed Contractor: DLH Solutions
Street Address: 3565 Piedmont Road NE, Building 3, Suite 700
City, State, Zip: Atlanta, GA 30305
Phone: 678-449-6285

3. Description of Supplies or Services:

The estimated value of the proposed action is [REDACTED]

The CMOP has a requirement for the services of pharmacists and pharmacy technicians to process Veteran prescriptions. It is in the Government's best interest to award a bridge task order against the VA NAC FSS 621 I, Professional and Allied Healthcare Staffing, to temporarily continue services to the Lancaster, TX CMOP until the long-term contract is awarded.

- 4. IDENTIFY THE AUTHORITY AND SUPPORTING RATIONALE (see [8.405-6\(a\)\(1\)\(i\)\(A\)](#), [\(B\)](#), and [\(C\)](#) or [8.405-6\(b\)](#)), AND IF APPLICABLE, A DEMONSTRATION OF THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS TO PROVIDE THE REQUIRED SUPPLY OR SERVICE.**

An urgent and compelling need exists, and following the ordering procedures would result in unacceptable delays.

The CMOP facilities must continue without disruption to ensure Veteran patients receive critical medications. Failure to award this task order will endanger Veteran patient health. The current bridge contract provides approximately three (3) pharmacists and sixty (60) pharmacy technicians at the Lancaster, TX location to ensure operations are fulfilled. Without the support of contracted personnel, operations would be critically curtailed. Therefore, the most logical action is to award a bridge task order as the incumbent Contractor would be able to successfully perform these services without interruption. DLH already has the skilled personnel with security clearances in place to provide these services without any transitioning. The awarding of a short-term bridge task order will ensure this continuity and facilitate the Department's efforts to move to a successor, long-term contract vehicle.

Only one source is capable of providing the supplies or services required at the level of quality required because the supplies or services are unique or highly specialized;

In the interest of economy and efficiency, the new work is a logical follow-on to an original Federal Supply Schedule order provided that the original order was placed in accordance with the applicable Federal Supply Schedule ordering procedures. The original order must not have been previously issued under sole source or limited source procedures.

Items peculiar to one manufacturer:

A patent, copyright or proprietary data limits competition. The proprietary data is: (If FAR 8.405-6(a)(2)iii before posting. Do not include specific proprietary data. Only mention the type of equipment, procedure, etc. to show that proprietary supplies or services are being procured.)

These are "direct replacements" parts/components for existing equipment.

The material/service must be compatible in all aspects (form, fit and function) with existing systems presently installed/performing. Describe the equipment/function you have now and how the new item/service must coordinate, connect, or interface with the existing system.

5. DESCRIBE WHY YOU BELIEVE THE ORDER REPRESENTS THE BEST VALUE CONSISTENT WITH FAR 8.404(d) TO AID THE CONTRACTING OFFICER IN MAKING THIS BEST VALUE DETERMINATION:

The Contracting Officer has determined that the price for this bridge task order will be fair and reasonable based on current contract pricing and based on DLH's anticipated FSS pricing which, in accordance with FAR 8.404(d), has been determined to be fair and reasonable. The VA National Acquisition Center (NAC), delegated management of FSS 621-I (Professional and Allied Healthcare Staffing Services) for the entire Federal Government by General Services Administration (GSA), has already negotiated the prices of services. Ordering activities are not required to make a separate

determination of fair and reasonable pricing. However, pricing quoted will be evaluated by the Contracting Officer to ensure fair and reasonable pricing is received.

6. DESCRIBE THE MARKET RESEARCH CONDUCTED AMONG SCHEDULE HOLDERS AND THE RESULTS OR A STATEMENT OF THE REASON MARKET RESEARCH WAS NOT CONDUCTED:

Market Research was not conducted for this sole source requirement as the previous Blanket Purchase Agreement awarded in 2011 and awarded for a 5-year period was competed among schedule holders. Three sole-source, six-month task orders were issued with a period of performance beginning May 1, 2017 as the work to put a long-term contract in place is still on-going. The solicitation for the long-term contract has been posted to FBO and two GAO protests have been received. A stay of award has been issued while GAO deliberates the protests. Once the solicitation protests have been resolved, the proposals will be evaluated and award will be made. However, it is anticipated that protests will also be received once an award announcement is made. A service of this magnitude requires a lengthy transition period and, therefore, it is in the Government's best interest to award a bridge task order to the incumbent to provide uninterrupted services until the long-term contract is awarded and transitioned to another contractor.

7. ANY OTHER FACTS SUPPORTING THE JUSTIFICATION:

DLH staff has been performing pharmacist and pharmacy technician services for the past seven years and is completely familiar with the automation equipment and duties to support the CMOP mission. Further, there would be no transition time or expense associated with this bridge contract that would impact services and, therefore, negatively impact Veteran care.

Additionally, failure to award the sole source bridge task order will result in the CMOP's operation being severely curtailed due to lack of staff. As a result, Veteran beneficiaries will not receive life-giving or life-enhancing medication, with catastrophic consequences. It is imperative that services continue uninterrupted.

8. A STATEMENT OF THE ACTIONS, IF ANY, THE AGENCY MAY TAKE TO REMOVE OR OVERCOME ANY BARRIERS THAT LED TO THE RESTRICTED CONSIDERATION BEFORE ANY SUBSEQUENT ACQUISITION FOR THE SUPPLIES OR SERVICES IS MADE:

There are no actions the VA can take to increase competition at this time for this bridge task order due to urgent and compelling rationale cited above. The long-term contract has been put out for bid and we are awaiting resolution of the protest actions in order to move to the evaluation and award phase.

9. REQUIREMENTS CERTIFICATION: I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge. I understand that processing of this limited sources justification restricts consideration of Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4.

Alice Hernandez

9/17/2018

SIGNATURE

DATE

Alice H. Hernandez

Contracting Officer's Representative

NAME

TITLE

SERVICE LINE/SECTION

Lancaster, TX Consolidated Mail Outpatient Pharmacy

FACILITY

10. APPROVALS IN ACCORDANCE WITH THE [VHAPM Part 806.3 OFOC SOP](#):

a. CONTRACTING OFFICER'S CERTIFICATION (required): I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Jenny L RATHJEN 346036

Digitally signed by Jenny L RATHJEN 346036
Date: 2018.09.17 12:42:19 -05'00'

SIGNATURE

DATE

JENNY RATHJEN

NETWORK CONTRACTING OFFICE 15

CONTRACT SPECIALIST

FACILITY

CMOP DIVISION

b. One Level Above the Contracting Officer (Required over the SAT but not exceeding \$700K): I certify the justification meets requirements for other than full and open competition.

PENNY J CAPPS 492179

Digitally signed by PENNY J CAPPS 492179
Date: 2018.09.17 13:33:05 -05'00'

SIGNATURE

DATE

PENNY CAPPS

SUPERVISORY CONTRACT SPECIALIST

CMOP DIVISION

NETWORK CONTRACTING OFFICE 15

c. Director of Contracting/DESIGNEE: I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

SCOTT R FISCUS 381888

Digitally signed by SCOTT R FISCUS 381888
Date: 2018.09.17 15:39:04 -05'00'

SIGNATURE

DATE

SCOTT R. FISCUS

DIRECTOR OF CONTRACTING

NETWORK CONTRACTING OFFICE 15

HIGHER LEVEL APPROVAL (Required for orders over \$700,000):

d. **VHA SAO HCA REVIEW AND APPROVAL (over \$700,000 to \$68 million):** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for restricting consideration of the Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4.

TERRY L.
SPITZMILLER 394683

Digitally signed by TERRY L.
SPITZMILLER 394683
Date: 2018.10.12 08:53:54
-04'00'

10/12/2018

TERRY L. SPITZMILLER
ACTING EXECUTIVE DIRECTOR-SAO CENTRAL
HEAD OF CONTRACTING ACTIVITY (HCA)

DATE